

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Corrigendum

No. 4/7/82-PER

Read: — Order of even number dated 21-10-82.

The name of Project Officer (Multiple Cropping) holding the additional charge of Director of Agriculture, Government of Goa, Daman and Diu appearing in the above said order shall be corrected as Shri S. R. Nadkarni.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 15th December, 1982.

Home Department (General)

Notification

No. HD(G)/45-2/77-Prisons

Read: Government Notification of even number dated 13-1-1981.

The Government of Goa, Daman and Diu is hereby pleased to reconstitute the State Advisory Board for correctional Administration, constituted under the Government Notification dated 13-1-1981, as under: —

- 1) Hon'ble Chief Minister — Chairman.
- 2) Chief Secretary — Member.
- 3) Development Commissioner — Member.
- 4) Secretary, Industries and Labour Department — Member.
- 5) Secretary, Revenue Department — Member.
- 6) Inspector General of Police (As representative of the Police Administration) — Member.
- 7) Chief Judicial Magistrate, Panaji (As representative of the Administration of justice) — Member.
- 8) District Magistrate-cum-Inspector General of Prisons — Member.
- 9) Chief Engineer, Public Works Department, Altinho-Panaji — Member.
- 10) Director of Agriculture, Panaji — Member.
- 11) Director of Health Services, Panaji — Member.
- 12) Director of Education, Panaji — Member.
- 13) Director of Industries and Mines, Panaji — Member.

- 14) Probation Officer, Directorate of Social Welfare, Panaji — Member.
- 15) Director of Institute of Psychiatry and Human Behaviour, Panaji or his representative — Member.
- 16) Shri Molu Dessai, Social Worker, Cunçolim, Salcete-Goa — Member.
- 17) Smt. Irene Barros, Social Worker, Betalbatim, Salcete-Goa — Member.
- 18) Shri Gopal B. Parob, Agarwada, Pednem — Member.
- 19) Director of Social Welfare, Panaji — Member Secretary.

2. The functions of the Board shall be: —

- i) To advise regarding Prevention, Control and Treatment of delinquency and crime.
- ii) To suggest ways and means for improving levels of coordination between Administration of Justice, Police Administration and Correctional Administration.
- iii) To suggest measures for creating social consciousness for the rehabilitation of offenders.
- iv) To find out the solution of the practical difficulties experienced by the jail staff and other officers of Correctional Administration.
- v) To introduce Prison reforms with proper coordination among the concerned Department.
- vi) To watch the development of Prison Administration into a system of correctional Administration.
- vii) How to introduce various correctional methods in the prisons so that the prisoners on their release from jail go out as better men who have been conscious about their potentialities of being socially useful.
- viii) To approve and suggest the Post-Release Programme and provide employment opportunities to needy and deserving prisoners on release.
- ix) To see the application of case work in various fields of social work.
- x) To arrange the re-orientation of Prison staff to facilitate human understanding, as the staff members are not aware of modern methods of handling prisoner or of the purpose of jail reforms.
- xi) To find out whether good standards of Administration have been reached.
- xii) How to further improve the existing standards.

3. The Government is also pleased to decide that the Board should meet thrice in a year.

4. The Non-official members of the Committee shall be entitled to draw T.A. and D.A. at the rates admissible to Group A officers of the Government of India under S.R. 150. The Chief Secretary shall be the Controlling Officer for the purpose of T.A. Bills in this regard.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 14th December, 1982.

Works, Education and Tourism Department

Order

No. 7/17-1/80-WET

Read: Government Orders No.:

1. FCS/PWD/2936/Part II/72 dated 25-10-72.
2. 7-6-74-Div. I dated 21-12-78.
3. 7-17-1/80-WET dated 23-10-81.
4. Letter No. SE III/F.37/803/79-80 dated 20-11-79.

With the creation of a post of Special Land Acquisition Officer to look after the work of Anjunem Irrigation Project and appointment of an Officer to man the said post, the work of Land Acquisition and Rehabilitation for Irrigation Projects in the Territory of Goa, requires to be streamlined and distributed distinctly between two Special Land Acquisition Officers with a view to have speedy disposal of the work.

It has, therefore, been decided that all the work regarding the acquisition of land for submergence/rehabilitation/canals/borrow areas/dump areas/colonies/quarries and other lands required for the implementation of different irrigation projects in North Goa will be looked after by the Office of the Special Land Acquisition and Rehabilitation Officer (North) with Head Quarters at Mapusa. He will function under the control and supervision of Superintending Engineer, Circle II, Irrigation Department.

Further, all the work regarding the acquisition of land for submergence/rehabilitation/canals/borrow areas/dump areas/colonies/quarries and other lands required for the implementation of different irrigation Projects in South Goa will be looked after by the Office of the Special Land Acquisition and Rehabilitation Officer (South) with Head Quarters at Sanguem. He will function under the control and supervision of Superintending Engineer, Circle III, Irrigation Department.

The duties assigned to each of the Special Land Acquisition and Rehabilitation Officer, North and South will be laid down in the Annexure I.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 18th December, 1982.

ANNEXURE-I

Duties assigned to Special Land Acquisition and Rehabilitation Officer

1. As a Special Land Acquisition Officer he shall deal with all the cases of acquisition of land required for submergence, rehabilitation, canals, borrow areas, dump areas, colonies, quarries and any other purpose for the implementation of the different Irrigation Projects in the respective areas under their jurisdiction.

2. As a Rehabilitation Officer he will be in charge of settlement of affected families in rehabilitation colonies set up by the Government. For this purpose:—

- a) He shall prepare a list of persons to be shifted and bring it up to date from time to time in accordance with the recommendations of the respective Rehabilitation Committee and decisions thereon of the Government.
- b) He shall arrange the shifting of the affected persons by providing necessary facilities to them. He shall have to work out programme, in consultation with the Executive Engineer of the concerned Division, so that the affected persons are shifted well in advance of submergence of the respective localities.
- c) He shall co-ordinate the programme of house construction at new sites of rehabilitation in his area of jurisdiction with the programme for shifting. He shall also co-ordinate the activities of the various works of amenities and facilities to be provided in accordance with the Rehabilitation Programme, chalked out by the Rehabilitation Committee and approved by the Government.

3. The Special Land Acquisition and Rehabilitation Officer shall arrange for the distribution of lands to the affected families at the new sites as follows:—

- a) The affected families are to be granted one hectare of irrigable land and a house building plot of 400 m² per family. The Rehabilitation Officer, as the Member Secretary of the Sub-Committee for allotment of plots, shall organise the taking of lots for distribution of plots.
- b) The demarcation, measurements and survey of lands set apart for distribution shall be organised by him.
- c) Issue of necessary certificate in respect of the plots of lands allotted to affected people.

4. The Special Land Acquisition and Rehabilitation Officer shall disburse loans provided for house building to the affected people in suitable instalments after having agreement entered into with each family, as per approved draft.

He shall effect recovery of loan in instalments as set out in the agreement.

5. The Special Land Acquisition and Rehabilitation Officer shall arrange to organise and guide the affected families in cultivation of the agriculture lands distributed to them.

He shall render help to affected families in the proper development of those lands, in getting loans/facilities for agriculture, extension services and the like, so that the people who will be rehabilitated start deriving maximum benefit in the shortest time possible from the agricultural plots allotted.

6. The Special Land Acquisition and Rehabilitation Officer shall manage the land with trees standing thereon, acquired for irrigation projects. For this purpose:—

- a) He shall organise the auction of the different plots and enter into leases with the successful bidders and carry out all activities required for/by the grant of leases.
- b) He shall look after the properties that are not bidden for and shall arrange to collect and dispose of agricultural produce from such properties in proper manner.
- c) He shall effect recovery of rent and arrears of rent if any.
- d) He shall arrange to determine the leases in such a way that the different plots become free for clearance for submergence as per the schedule of submergence.
- e) He shall collect revenue from the paddy fields and other lands in the project areas for which collection of revenue is discontinued by the Mamlatdars.

Local Administration and Welfare Department

Order

No. 3-39-73-LSG(GEN)

Read Order 1) No. 3-5/80-PER, dated 18-11-1982.

2) No. 3-39/73-LSG-GEN, dated 4-11-1982.

Shri M. K. Bhandare, Manager Government Printing Press, Panaji is hereby appointed as the Administrator of Mapusa Municipal Council, Mapusa from 20-12-1982 to 7-1-1983, in place of Shri Rakesh Mohan, who is proceeding on Earned leave. Shri Rakesh Mohan is reposted as Administrator of the said Municipal Council on return from leave.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 18th December, 1982.

Notification

No. UDD-TP-2688-67

1. In exercise of powers conferred under Clause (II) of Sub-section (3) of Sec. 20 of Goa, Daman and Diu Town and Country Planning Act, 1974 the Government of Goa, Daman

and Diu is pleased to appoint Shri B. K. Sutaria, Jr. Town Planner as Member Secretary/Town Planning Officer of Mormugao Planning and Development Authority during the leave period of Shri D. D. Sukthankar, from 20-12-1982 to 15-1-1983.

2. On return from leave Shri D. D. Sukthankar is reposted as Member Secretary/Town Planning Officer at the said Planning and Development Authority.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 17th December, 1982.

Office of the Asstt. Registrar of Cooperative Societies

No. 6-1-82/AR(Dairy)/LQD/82

Read: Office order No. 2-30-79/Dairy/Piligao/ARNZ/81 dated 21-11-81 appointing Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, as liquidator of Shantadurga Sah. Dudh Vya. Saunstha Ltd., Piligao, Bicholim-Goa.

Order

In partial modification of office order cited above, Shri R. D. Morajkar, Jr. Auditor, Coop. Societies (Dairy), Ponda is hereby appointed as liquidator of Shri Shantadurga Sah. Dudh Vya. Saunstha Ltd., Piligao-Bicholim, in place of Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, H. Q. Panaji, with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 19th October, 1982.

No. 6-10-82/AR(Dairy)/NZ/LQD/82

Read: This office order No. ARCS/NZ/RSR.III-Dairy/24/79 dated 20-7-1979 appointing Shri D. Y. Gawas, Jr. Inspector, Coop. Societies, North Zone, as liquidator of the Gude Sahakari Dudh Vya. Saunstha Ltd., Gude, Siolim-Bardez.

Order

In partial modification of this office order cited above, Shri B. A. Kerkar, Jr. Auditor, Coop. Societies (Dairy), is hereby appointed as liquidator, of the Gudhe Sahakari Dudh Vya. Saunstha Ltd., Gude, Siolim, in place of Shri D. Y. Gawas, Jr. Inspector, Coop. Societies, North Zone, with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 21st October, 1982.

No. 6/9/82/AR(Dairy)/NZ/LQD/82

Read: This office order No. 2-1-71-ADM/Saligao-Dudh/ARNZ/81 dated 20-7-1981 appointing Shri D. Y. Gawas, Jr. Inspector, Coop. Societies, North Zone as liquidator of Saligao Sahakari Dudh Vya. Saunstha Ltd., Saligao-Bardez.

Order

In partial modification of this office order cited above, Shri B. A. Kerkar, Jr. Auditor, Coop. Societies (Dairy) is hereby appointed as liquidator of the Saligao Sahakari Dudh Vya. Saunstha Ltd., Saligao, Bardez in place of Shri D. Y. Gawas, Jr. Inspector, Coop. Societies, North Zone, with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 21st October, 1982.

No. 7-33-81/AR(Dairy)/SZ/LQD

Read: This office order No. PRD-(C)27/LQD/79/284 dated 10-8-1979 appointing Shri P. G. Naik, Jr. Ins-

pector, Coop. Societies, South Zone, Margao as liquidator of Gokul Sahakari Dudh Vya. Saunstha Ltd., Ponda.

Order

In partial modification of this office order cited above, Shri G. R. Gawade, Jr. Auditor, Coop. Societies (Dairy), is hereby appointed as liquidator of Gokul Sah. Dudh Vya. Saunstha Ltd., Ponda Goa in place of Shri P. G. Naik, Jr. Inspector Coop. Societies (HQ), Panaji with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 21st October, 1982.

No. 6-14-82/AR(Dairy)/LQD/82

Read: This office order No. 2-19-72/Dairy/Velus/ARNZ/82 dated 8-2-82 appointing Shri E. R. Kauthankar, Jr. Inspector, North Zone, as liquidator of the Rawalnath Dairy Coop. Society Ltd., Velus Sattari.

Order

In partial modification of this office order cited above, Shri M. P. Raikar, Sr. Auditor, Coop. Societies (Dairy), is hereby appointed as liquidator of the Rawalnath Dairy Coop. Sty. Ltd., Velus Sattari, in place of Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies, North Zone, Mapusa with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 22nd October, 1982.

No. 6-3-82/AR(Dairy)/NZ/LQD/82

Read: The office order No. 2/2/67-Dairy/Van/ARNZ/81 dated 16-12-1981, appointing Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, North Zone, as liquidator of Shantadurga Sah. Dudh Vya. Saunstha Ltd., Van, Bicholim.

Order

In partial modification of this office order cited above, Shri R. D. Morajkar, Jr. Auditor, Coop. Societies (Dairy), Ponda is hereby appointed as liquidator of Shri Shantadurga Sah. Dudh Vya. Saunstha Ltd., Van Bicholim, in place of Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, Panaji with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 25th October, 1982.

No. 6-13-82/AR(Dairy)/LQD/82

Read: This office order No. ARCS/NZ/RCS(C)-86/Goa/LQD/79 dated 28-7-79 appointing Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies, North Zone, as a liquidator of Vijaya Sahakari Dudh Vya. Saunstha Ltd., Golauli Sattari-Goa.

Order

In partial modification of this office order cited above, Shri A. C. Gawade, Jr. Inspector, Coop. Societies (Dairy), is hereby appointed as liquidator of Vijaya Sahakari Dudh Vya. Saunstha Ltd., Golauli Sattari-Goa, in place of Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies, North Zone, Mapusa with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 25th October, 1982.

No. 5-2-82/AR(Dairy)/SZ/LQD/82

Read: This office order No. ARCS/SZ/PRD(C)-22/Goa/LQD dated 2-11-1979 appointing Shri N. S. Naik, Jr. Inspector, Coop. Societies, South Zone, Margao, as liquidator of Sanjivani Sah. Dudh Vya. Saunstha Ltd., Banastari Ponda.

Order

In partial modification of this office order cited above, Shri G. R. Gawade, Jr. Auditor, Coop. Societies is hereby appointed as liquidator of Sanjivani Sahakari Dudh Vya. Saunstha Ltd., Banastari, Ponda in place of Shri N. S. Naik, Jr. Inspector, with immediate effect.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 25th October, 1982.

No. 6-11-82/AR(Dairy)/NZ/LQD/82

Read: This office order No. PRD(C)-69/Goa/LQD/76 dated 6th April, 1976 appointing Shri S. S. Valvolkar, Jr. Inspector, Coop. Societies, Panaji as liquidator of Shivilla Sah. Dudh Vya. Saunstha Ltd., Oxel, Bardez-Goa.

Order

In partial modification of this office order cited above, Shri G. B. Shetye, Jr. Auditor, Coop. Societies (Dairy), is hereby appointed as liquidator of Shivilla Sah. Dudh Vya. Saunstha Ltd., Oxel, Bardez, Goa in place of Shri S. S. Valvolkar, Sr. Inspector, Coop. Societies (HQ) Panaji with effect from the date of taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 29th October, 1982.

No. 6-18-82/AR(Dairy)/LQD/82

Read: This office order No. 2-5-68-Dairy/Vante/ARNZ/81 dated 25-7-82 appointing Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies North Zone, as liquidator of Shrikrishna Sahakari Dudh Vya. Saunstha Ltd., Vante-Sattari Goa.

Order

In partial modification of this office order cited above, Shri U. P. Gaonkar, Jr. Inspector, Coop. Societies (Dairy), is hereby appointed as liquidator of Shrikrishna Sahakari Dudh Vya. Saunstha Ltd., Vante, Sattari-Goa in place of

Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies, North Zone, with effect from the date of his taking over the charge.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 30th October, 1982.

No. 6-7-82/AR/(Dairy)/NZ/LQD/82

Read: This office order No. 2-5-67-Dairy/Maye/ARNZ/81 dated 29-7-81 appointing Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, North Zone, as a liquidator of Maye Vaiguini Sahakari Dudh Vya. Saunstha Ltd., Vaiguini Bicholim.

Order

In partial modification of this office order cited above, Shri P. L. Naik, Jr. Inspector, Coop. Societies (Dairy) is hereby appointed as liquidator of Maye Vaiguini Sah. Dudh Vya. Saunstha Ltd., Vaiguini-Bicholim, in place of Shri R. A. Pednekar, Jr. Inspector, Coop. Societies, with effect from the date taking over the charge of the society.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 2nd November, 1982.

No. 6-17-82/AR(Dairy)/SZ/LQD/82

Read: This office order No. 2-11-71 Dairy/Valpoi/81 dated 25-7-81 appointing Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies, North Zone, as liquidator of the Valpoi Sahakari Dudh Vya. Saunstha Ltd., Valpoi-Sattari Goa.

Order

In partial modification of this office order cited above, Shri U. P. Gaonkar, Jr. Inspector, Coop. Societies (Dairy), is hereby appointed as liquidator of Valpoi Sahakari Dudh Vya. Saunstha Ltd., Valpoi, in place of Shri E. R. Kauthankar, Jr. Inspector, Coop. Societies with immediate effect.

G. S. Patil, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 2nd November, 1982.

Revenue Department

Notification

No. 22/97/82-RD

Whereas by Government Notification No. 22/97/82-RD dated 31-8-82 published on page 330 & 331 of Series II, No. 25 of the Official Gazette, dated 16-9-1982 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of Rural Road from Bhamti Main Road to Pariari in Damanwada Group Gram Panchayat.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after consider-

ing the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector of Daman, Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
1.	Daman	Bhamti	134/1	Shri Jogi Dheda.	37.00
2.	—do—	—do—	134/2	Shri Fakir Naran.	388.00
3.	—do—	—do—	133	Shri Kikala Manghal.	38.00
4.	—do—	—do—	1/1	Shri Sukar Raghu.	28.00
5.	—do—	—do—	1/2	Shri Kishan Babu.	22.00
6.	—do—	—do—	2/1	Shri Sukar Radhu.	4.00
7.	—do—	—do—	130/6	Shri Bikhu Shankar.	12.00
8.	—do—	—do—	13/2	Shri Mangal Bava.	610.00
9.	—do—	—do—	128	Shri Vishna Dedha.	248.00
10.	—do—	—do—	13/3	Shri Harji Bibal.	233.00

1	2	3	4	5	6
11.	Daman	Bhamti	14	Shri Naran Haria.	218.00
12.	— do —	— do —	15	Shri Vallabh Sukar.	76.00
13.	Daman	Devapardi	40	Babubhai Nanubhai.	255.00
14.	— do —	Pariari	237/1	Shri Namlabhai Mangalbai.	28.00
15.	— do —	— do —	237/2	Shri Dansaji Kavasji.	92.00
				Shri Tribovandas Parsotamdas Kapadia.	
16.	— do —	— do —	236/2	Shri Danjisha Kavasji.	266.00
17.	— do —	— do —	236/1	Shri Namlabhai Bagalabhai.	135.00
18.	— do —	— do —	234/1	Shri Shankar Ravia.	206.00
19.	— do —	— do —	234/4	Smt. Sukliben Ragabhai.	64.00
20.	— do —	— do —	234/5	Smt. Mangliben Laxmanbai.	5.00
21.	— do —	— do —	235	Shri Babubhai Mangalbai.	514.00
22.	— do —	— do —	220/1	Shri Martu Lopes.	15.00
23.	— do —	— do —	219/5	Shri Kariabhai Mangalbai.	172.00
24.	— do —	— do —	219/4	Smt. Sukaliben Mangalbai.	68.00
25.	— do —	— do —	219/3	Shri Kikala Mangal.	80.00
26.	— do —	— do —	219/1	Smt. Mangiben Laxmanbai.	281.00
27.	— do —	— do —	217/1	Smt. Sukiben Ragabhai.	14.00
28.	Daman	Dholar	56	Shri Givanbhai Kalanbhai.	358.00
29.	— do —	— do —	59	Shri Makanbhai Haribhai.	91.00
30.	Daman	Pariari	216	Shri Mohanbhai Narshaibhai.	536.00
31.	— do —	— do —	215	Shri Nana Nithiabhai.	279.00
32.	— do —	Dholar	60	Shri Devalabhai Raviabhai.	138.00
33.	— do —	— do —	58/2	Shri Chhaganbhai Jivanbhai.	62.00
34.	— do —	— do —	210	Shri Babubhai Nanabhai.	266.00
35.	— do —	— do —	209/1	Shri Namlabhai Naranbhai.	106.00
36.	Daman	Pariari	209/2	Shri Namlabhai Naran.	104.00
37.	— do —	— do —	202	Smt. Kunwaria Bulla.	244.00
38.	— do —	Dholar	133	Shri Govanbhai Bulabhai.	953.00
Total					7,246.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 13th December, 1982.

Notification

No. 22/143/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of Cansaulim, Cuelim-Consua road at Mormugao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji.
3. The Executive Engineer, Works Division VI, P.W.D., Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Cuelim	1/part		Our Lady of Remedios.	400.00
					Antonio Siquiro.	
					Alvaro D'Costa.	
					Baldomeiro Rebello.	
					Olya Sico Gomes de Costa.	
			81/part		Mathew Correir.	2825.00
			80/part		Comunidade of Cuelim.	1900.00

1	2	3	4	5	6	7
Mormugao	Cuelim	82/part		Joao de Matta Barbosa.		1925.00
				North: Survey No. 1, 81 & 80.		
				South: -- do --		
				East: Survey No. 82.		
				West: Survey No. 1.		
		79	4/part	Inez Cota Carvalho.		350.00
			1/part	Santano Souza.		275.00
		78	5/part	Antonio Pedro Souza.		150.00
			1/part	Comunidade of Cuelim.		400.00
			4/part	Our Lady of Remedios.		60.00
			3/part	Cacilda Correia e Viegas.		50.00
				Edwin Martires.		
				Edgar Martires.		
				Emerco Martires.		
			9/part	Comunidade of Cuelim.		20.00
		86	28/part	Rui Cunha Braganza.		700.00
		77	6/part	Rui Braganca Cunha.		590.00
				North: Survey No. 77/6.		
				South: Survey No. 82 & 80.		
				East: Survey No. 78/3, 78/4, 78/9, 78/5, 79/1,		
				79/4, 79/5, 79/6, 79/7, 79/8, & 82.		
				West: Survey No. 78/1, 78/5, 79/1, 79/4 & 82.		
		86	29/part	Lodovina Fernandes.		850.00
			27/part	Public Foot Path.		50.00
			21/part	H: Rui Cunha Braganca.		70.00
				T: Nicolau Misquita.		
			25/part	H: Rui Cunha Braganca.		20.00
				T: Santana Misquita.		
		87	21/part	Comunidade of Cuelim.		50.00
			20/part	-- do --		20.00
			2/part	-- do --		10.00
			9/part	H: Comunidade of Cuelim.		360.00
				T: Santana Souza.		
			16/part	H: Rui Cunha Braganca.		170.00
				T: Cecilia Misquita.		
			17/part	H: Rui Cunha Braganca.		125.00
				T: Joana Misquita.		
			18/part	H: Rui Cunha Braganca.		130.00
				T: Cecilia Misquita.		
			15/part	H: Rui Cunha Braganca.		30.00
				T: Cecilia Misquita.		
		90	2/part	Rui Cunha Braganca.		20.00
		87	4/part	Francisco Xavier Fernandes.		175.00
		90	1/part	Francisco Xavier Fernandes.		285.00
		88	1/part	Joao Joaquim Fernandes.		215.00
		89	2/part	Francisco Xavier Fernandes.		80.00
		88	2/part	Rui Cunha Braganca.		100.00
		89	1/part	Rui Braganca Cunha.		75.00
				North: Survey No. 77/6, 86/29, 86/28, 87/4,		
				88/1, & village Cortalim.		
				South: Survey No. 89/2, 90/1, 86/28, 86/29,		
				and 77/6.		
				East: Survey No. 89/1, 87/9, 16, 17, 18 & Road.		
				West: Survey No. 88/2, 87/9, 86/21, 86/25.		
"	Cortalim	180	2/part	Camilo Martinha.		200.00
			1/part	Maria Anjelia Fernandes.		175.00
		179/Part		Mario Jose Misquita.		50.00
		173	13/part	Rafael Fernandes.		75.00
			4/part	Camilo Martinho.		80.00
			1/part	Maria Anjelica Fernandes.		75.00
				North: Survey No. 179/2 & road.		
				South: Village Cuelim.		
				East: Survey Nos. 173/1, 173/4, and 173/13.		
				West: Survey No. 179, 180/1 & 180/2.		
"	Cuelim	1	1/part	Our Lady of Remedios.		2800.00
			3/part	Baldomeiro Rebello.		500.00
		117	3/part	Especiosa D'Costa.		650.00
			2/part	Rui Braganca Cunha.		125.00
			1/part	Maria Quinha Costa.		600.00
		31	3/part	Rui Braganca Cunha.		25.00
		2	4/part	Bernado Rosario Mendes.		500.00
			5/part	Albeto Cunha.		150.00
			6/part	Comunidade of Cuelim.		25.00
			10/part	Maria Bemargina Menezes.		100.00
		3	1/part	Maria Benargina Menezes.		100.00
			3/part	Comunidade of Cuelim.		25.00
		27	6/part	Comunidade of Cuelim.		25.00
			8/part	Refugio P. D'Costa.		50.00
				Alvaro D'Costa.		
		26	9/part	Ernestina Carvalho.		25.00
			7/part	Comunidade of Cuelim.		25.00
			8/part	Ernestina Carvalho.		50.00
			9/part	Alvaro D'Costa.		50.00
			6/part	Comunidade of Cuelim.		25.00

1	2	3	4	5	6	7
Mormugao	Cuelim	26	10/part 11/part 12/part 13/part	Refugio P. D'Costa. Refugio P. D'Costa. Auxiliadora Carvalho. Refugio P. D'Costa.		100.00 25.00 50.00 25.00
				North: Survey No. 1/1, 3, S. No. 2/4, S. No. 31/3, S. No. 27/5, 6, 8, 9, S. No. 26/6, 7, 8, 9, 10, 11, 12, 13, S. No. 14/12, 13. South: Survey No. 115/1, 3, 4, 116/1, S. No. 117/1, 2, 117/3, S. No. 24/1, 2, 3, 4, 5, 6, 7, S. No. 23/1, 2, 3, 4, 5, 6, 7, 8, S. No. 13/1, 12/3. East: Survey No. 117/3, 1, S. No. 2/4, 610, S. No. 3/3, 1, Road Nala, S. No. 24/1, S. No. 22/1, S. No. 22/8, 10, 11, S. No. 17/1, 7, S. No. 16/1, 6, S. No. 15/1. West: Nala, S. No. 117/2, 117/1, S. No. 2/4, Nala, S. No. 31/3, S. No. 27/5, 6, 8, S. No. 21/11, S. No. 18/6, 11, S. No. 14/5, 10, 11, Nala.		
		24	1/part 2/part 3/part 4/part 5/part 6/part 7/part	Alvaro D'Costa. Ernestina Carvalho. Alvaro D'Costa. Refugio P. D'Costa. Auxiliadora Carvalho. Refugio P. D'Costa. Comunidade of Cuelim.		200.00 75.00 50.00 150.00 50.00 25.00 25.00
		23	1/part 2/part 3/part 4/part 5/part 6/part 7/part 8/part	Ernestina Carvalho. Alvaro D'Costa. Orlando Souza. Alvaro De Costa. Ernestina Carvalho. Refugio P. D'Costa. Orlando Souza. Refugio P. D'Costa.		50.00 75.00 50.00 50.00 50.00 50.00 50.00 100.00
				North: Road. South: S. No. 24/1 to 7. S. No. 23/1 to 8. East: Road. West: Road.		
		21	11/part	Placido Barretto.		75.00
		18	6/part 11/part	Ester Menezes. Alberto Cunha.		225.00 175.00
				Roguvir Bisso.		
		14	5/part 10/part 11/part 12/part	Alberto Cunha. Comunidade of Cuelim. Rui Braganca Cunha. Lomilino D'Costa.		125.00 50.00 75.00 250.00
				Joviano Gomes D'Costa. Olga Shello Gomes D'Costa. Fabrica de Igreja de Cansaulim.		
		13	13/part	— do —		350.00
		15	1/part	Rui Braganca Cunha.		50.00
		16	6/part	Minino Francisco Fernandes.		15.00
				Rui Bragnaca Cunha.		100.00
		17	7/part	Alberto Cunha.		100.00
				Raghuvir Bise.		
			1/part	Ester Menezes.		75.00
		22	11/part	Ester Menezes.		25.00
			10/part	Placido Barretto.		75.00
			8/part	Arnolfo Barretto.		75.00
			1/part	Aanjit Cotta Carvalho.		250.00
				Iney Cotta Carvalho		
				North: S. No. 14/13, 12, S. No. 26/6. South: S. No. 13/1, S. No. 12/3, S. No. 15/1. East: S. No. 22/1, 2, 8, 10, 11, S. No. 17/1, 7, Nala, S. No. 16/1, S. No. 15/1. West: S. No. 14/5, 8, 10, 7, 11, 12, S. No. 18/6, 11, S. No. 21/11, 12, 8, Road village boundary Cansaulim.		
Mormugao	Cansaulim	7	2/part 3/part 5/part 6/part	Orland Souza. Fabrica de Igreja de St. Tome. Fabrica de Igreja de St. Tome Cansaulim. Public Road.		15.00 120.00 100.00 25.00
		9	1/part	Fabrica de Igreja de St. Tome Cansaulim.		200.00
				North: S. No. 7/2, 3, 6, 5. South: Survey No. 9/1. East: Village Cuelim. West: S. No. 7/2, Nala.		
Total						23135.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 13th December, 1982.

Notification

No. 22/154/81-RD

The Government Notification No. 22/154/81-RD dated 14-12-81, for laying pipeline of 160 MLD Salaulim Water Supply Scheme at Dramapur, Navelim & Aquem villages of Salcete Taluka Part-II, admeasuring 25945.00 sq. mts. published in the Official Gazette No. 42 Series II dated 14-1-1982 is hereby cancelled with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Revenue-I).

Panaji, 14th December, 1982.

Corrigendum

No. 22/181/81-RD

Read: — Notification No. 22/181/81-RD dated 9-11-1982, published on the Official Gazette dated 18-11-1982, Series II, No. 34 page 448.

In column No. 6 of the Schedule of the above Notification the name of Shri Premabhai Mangalabhai Tandel may be added.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 6th December, 1982.

Public Health Department

Order

No. 5/97/79-PHD-Anaesthetist

On the recommendation of the Local Selection Committee, Dr. Vijay J. Khandeparkar is appointed on ad-hoc basis to the post of Jr. Anaesthetist under the Directorate of Health Services in the scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 and posted at Primary Health Centre, Diu against the post created vide Government Order No. PHD/1(43)/73/7343, dated 15/2/1977 with immediate effect on the terms and conditions contained in Government Memorandum of even number dated 9/6/82. Dr. Vijay Khandeparkar should report at the place of posting on or before 10/1/1983 failing which action will be initiated to cancel his appointment.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade.

The above doctor has been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 15th December, 1982.

Order

No. 5/97/79-PHD/MOs

On the recommendation of the Local Selection Committee, Dr. Dennis Vaz is appointed on ad-hoc basis to the post of Medical Officer under the Directorate of Health Services, Panaji and posted at Primary Health Centre, Cansaulim against the vacant post caused due to the promotion of Dr. Estevas A. D. Barreto, on the terms and conditions contained in Government Memorandum of even number dated 18-10-1982. Dr. Vaz should report at Primary Health Centre, Cansaulim on or before 27-12-1982.

The officer has already been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th December, 1982.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 7th December, 1982.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/12/76

1. Hotel Mandovi

— Party I

V/s.

1. Their Workmen

— Party II

Party I represented by Shri Ramesh Desai, Labour Advisor.
Party II represented by Shri N. J. Rebello, Union Leader.

Panaji. Dated: 10-11-1982.

AWARD

This is a reference made to this Tribunal by the Government of Goa, Daman and Diu, by its Order No. IRM/CON(76)/74/IT-6/76/1018 dated 28th June, 1976. The Schedule annexed to it reads as follows:

"Whether the action of the Management of M/s. Hotel Mandovi Panaji (Goa) in not complying with the demand of their employees represented by the Goa Hotel & Restaurant Employees Union, Betim, Bardez (Goa), for 20 percent bonus for the accounting years ending 31st December, 1970, 31st December, 1971 and 31st December, 1972 was legal and justified;

If not, to what relief the workers are entitled?"

2. The Union, representing the workmen, in its statement of claim has stated, in short, that the employer, in spite of making huge profits in Hotel business, has paid to the workmen bonus at the minimum rate when, as per the provisions of the Bonus Act, they were entitled to maximum bonus, i.e. 20 percent, the Union made the demand upon the employer to pay bonus at the said rate of 20 percent and as the employer was not ready to accede to the demand, an industrial dispute was raised before the Labour Commissioner which, in view of the failure report filed by the latter, was referred by the Government for adjudication by this Tribunal. In the correspondence exchanged between the Union and the employer, it was pointed out to the employer that there was allocable surplus for all the said years to pay maximum bonus under Section 11 of the Bonus Act and the employer was requested to clarify certain items of expenditure as shown in the Balance Sheet and Profit and Loss Account of the respective years, as the amount seemed to be highly inflated. The employer, however, did not give any clarification. The Balance Sheets and the Profit and Loss Accounts of the said years are not accurate and did not show the correct picture. It is prayed that necessary steps be taken to find out the accuracy of the statement and the particulars as required under the said Act. The Union craves leave to submit its

calculations after the employer has furnished the particulars asked for.

3. The employer, in its written statement, has stated, in short, that, by their letter dated 9-1-1974, they submitted to the Union certain details the Union desired to have from them. The Management also submitted its calculations for the 3 years under reference before the Conciliation Officer but the Union, instead of submitting its own calculations in accordance with the provisions of the Bonus Act, started raising irrelevant quarries and demanding inspection of the books of accounts, which the employer refused. The calculations submitted by the employer during the conciliation proceeding are in conformity with the provisions of the Bonus Act and, on the basis of the said calculation, there is no allocable surplus for the 3 years under reference and, in the absence of such surplus, the employer was not bound to pay any bonus, as demanded by the Union. It is alleged that the Union, inspite of being in possession of the Balance Sheet and the Profit and Loss Account of the said years, has not submitted its calculation in the form of claim of bonus in respect of those years. It is denied that the expenditure shown in the Balance Sheet is highly inflated.

4. Evidence was led by the employer, who examined Shri Yeshwant Kamat, Manager of Hotel Mandovi and Shri S. S. Dalvi, Chartered Accountant. The Union did not lead any evidence except extensively cross-examining the Chartered Accountant of the employer. Arguments were advanced by both the parties and the matter was kept for Award.

5. While I was carefully studying the file to give Award, I felt that the technical points of accountancy involved in the proceedings required the assistance of an assessor to advise the Tribunal on the said points. Both the parties were called and both suggested that Shri A. V. Kamat, Chartered Accountant, be appointed as assessor in this case. Accordingly, Shri Kamat was appointed and he submitted his report. The report was made available to both the parties and they agreed with it and prayed that award be passed accordingly.

6. Although the material dispute between the parties was regarding bonus for the years 1970, 1971 and 1972, the Union did not press its demands for the first two years and restricted its claim to the year 1972.

Since both the parties agree with the report of the assessor and pray that award be passed accordingly, I pass the following Order:

ORDER

Consent Award in terms of the report of the assessor Shri A. V. Kamat, Chartered Accountant, which shall form part of this Award, is hereby passed. The employer to pay Rs. 500/- to the assessor as his fees. No order as to Costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

Before Dr. Renato de Noronha, Industrial
Tribunal-Cum-Labour Court
At Panaji — Goa.

Reference No. IT—12/76
between

M/s. Hotel Mandovi, Panaji
and
Their Workmen

In the matter of Bonus for the
Years ending 31st December
of 1970, 1971 and 1972.

REPORT OF THE ASSESSOR

I have been appointed as Assessor in the above Reference by the Order of the Hon'ble Industrial Tribunal, Goa, Daman and Diu dated 19-7-1982 under provisions of Section 11(5) of Industrial Disputes Act 1947 read with Rule 25 of the Industrial Disputes (Central) Rules 1957 to advise the Tribunal on the technical points of Accountancy involved in the above proceedings.

I was further directed by the said Hon'ble Tribunal to verify the calculations submitted by the Employer and if need be review the same in the light of the provisions of Bonus Act 1965. After the perusal of the record of the case, cal-

culations made by the Company for the year 1972 (Parties having no dispute for the years 1970 & 1971) my report is as under.

I have verified the computations of allocable surplus for the purpose of computing bonus payable for the respective years and report that, in my opinion,

1) The computation of allocable surplus for the years ended on 31st December 1970 and 31st December 1971 are in accordance with the provisions of Bonus Act 1965.

2) The computation of allocable surplus for the year ended on 31st December 1972 is not in accordance with the provisions of the Bonus Act 1965.

In my opinion, based on the provisions of the Act, the computation of allocable surplus for the year ended 31st December, 1972, should be as under;

A. Computation of Gross Profits (as per the Second Schedule)

1. Net Profit as per Profit & Loss Account	42,631-25
2. Add back	
a) Bonus to employees (cannot verify as details not available)	15,186-21
b) Depreciation	96,166-23
c) Direct Taxes (Income Tax)	7,604-00
d) Development Rebate	5,596-60
e) Gratuity	78,231-00
f) Car Expenses disallowed as assessment	6,000-00
Gross Profit	2,51,415-29

B. Computation of allocable surplus under Section 2(4)

Gross Profit for the accounting year	2,51,415-29
Less:	
Depreciation u/s 6(a)	69,898-00
Development Rabate	5,596-60
Direct Taxes as per assessment Orders	7,403-00
	82,897-60

Also deductions per third Schedule: —

a) 8.5 percent of capital 16,55,489 as on 1st January, 1972	1,40,716-65
b) 25 percent of Gross Profit, after deducting depreciation	45,379-32
Deficit (—)	17,578-28

Available Surplus NIL

Allocable Surplus 60 percent of available Surplus NIL

Yours faithfully,

Sd/-

A. V. Kamat
Assessor.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU.
PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/16/82

1. Kum. Leela S. Sawant. — Workman/Party I
V/s.
2. M/s. Adarsh Sahakari Grahak — Employer/Party II
Sauntha Limited.

Workman/Party I represented by Shri P. Ghodge; President,
Goa Shops & Industrial Workers' Union.

Panaji. Dated: 8-11-1982.

AWARD

This is a reference made to this Tribunal by the Government of Goa, Daman and Diu, by its Order No. 28/31/81-ILD dated 31st March, 1982. The Schedule annexed to the Order reads as follows:-

"Whether the action of the employer of M/s. Adarsh Sahakar Grahak Saunstha Limited, Margao-Salcette, Goa in terminating the services of Kum. Leela S. Sawant, Accounts Clerk, with effect from 1-1-1980 is legal and justified?

If not to what relief the said workman is entitled to?"

2. The Workman/Party I filed her statement of claim stating therein that she was employed as Accounts Clerk with the Aquem Service Co-operative Society Limited since 1-4-1968 and when this Society was amalgamated with the Adarsh Sahakar Grahak Saunstha Ltd., now the Employer/Party II, the workman was absorbed in this last society with the same service conditions and continuity of service. During the tenure of her service, she discharged her duties to the entire satisfaction of the employer so as not to give the employer any occasion to complain about her. In June, 1980, she was taken ill and could not report for duties. As soon as possible she informed the employer about her illness and her inability to report for duty. Thereafter, her condition deteriorated to such an extent that she was not aware of what was going on around her. However, her relatives periodically kept the employer informed about her condition. An employer's representative also visited her, and personally saw her condition. The Chairman of the Managing Committee and other employees of the employer, being residents of the same town, were also aware of her condition. Nevertheless, the employer, by its letter dated 19-4-1980, terminated her services w.e.f 1-1-1980. The workman addressed a letter dated 1-6-1980 to the employer explaining the circumstances and her absence and included the Medical Certificate to prove her illness. The employer, by its letter dated 16-7-1980, rejected the medical certificate and the explanation of the workman. A fresh letter dated 29-8-1980 was sent to the employer explaining her condition during her illness and the circumstances which led to the return of letters dated 8-2-1980 and 28-2-1980 of the employer, but without any result. A dispute was then raised before the Labour Commissioner. The matter was taken up in conciliation proceedings, which failed, and hence this reference. It is submitted that the termination of her services by the employer is illegal and prayed that she be reinstated with full back wages and continuity of service.

3. The employer, duly served, failed to remain present and hence the case proceeded ex-parte against it. The workman led her own evidence and her brother's and produced some exhibits. The workman's representative advanced his arguments orally.

4. The only point that arises for our consideration is as to whether the termination of services of the workman is legal and justified. It is an admitted fact that the workman, when working for the employer society, failed to report for duty from 1-1-1980.

5. The workman's version is that on 31-12-1979, on her way to Aquem Shop to finish the job of stock taking, she fainted and did not know what happened later on. She was very sick and remained at home for sometime. After her recovery, she was informed by her mother that an employee of the Society had come to her house and had inquired about her illness and cause of her absence. When the workman improved, she wrote a letter dated 1-6-1980 (Exh. W-1) including a Medical Certificate and explaining her condition during her illness which prevented her from informing in writing to the employer, although she had sent oral message in this connection. The employer, however, refused to accept the explanation offered by the workman, stating that she had refused to accept the letters of the society dated 19-2-1980 and 28-2-1980 and, therefore, the decision taken by the Managing Committee and conveyed to the workman by letter dated 19-4-1980, (Exh. W-2) that she had abandoned the services on her own was final.

6. The workman's brother, who is working in a garage at Margao near Vishant Cinema, has stated that when he was in the garage, he was informed that his sister had fainted; he hired a taxi and took her home. Her condition deteriorated and she remained at home for more than one month. She could not know what was going on around her. She was under the treatment of a doctor specialized in

nervous system and she could resume work only on 1st June. During the period of sickness of the workman, the postman came with a letter addressed to her. As the addressee was not in a condition to receive the letter, the postman refused to deliver it to other family members; 5 or 6 days after the workman fell sick, her sister Sharad wrote a letter to the employer saying that the workman was not in a condition to resume duty due to her illness and that she may be able to resume after 2 or 3 months. The employer sent a girl working in the society to find out about the condition of the workman. The employer was aware that the workman was sick and not in a condition to report for duty.

7. Both the above statements have gone unchallenged, for want of cross-examination. While the employer's stand, as per the exhibits filed, is that the workman has abandoned the services without any intimation and even refused to accept registered letters addressed to her, the workman's version is that she did not refuse the letters but it is the postman who refused to deliver the letters to other persons except the addressee, who was not in a condition to receive them and, therefore, the letters were returned. It is further stated that the workman informed the employer about her sickness and the employer sent an employee to the workman's residence to find out about her condition. Since the employer did not lead any evidence to disprove the above allegations nor did rebutt by cross-examination of workman's witnesses the assertions made by them, I have to hold that the employer's version regarding the abandonment of services by the workman cannot be considered as proved. At any rate, the services of the workman were terminated without holding a domestic inquiry and the employer also did not lead any evidence before this Tribunal to justify the Order of Termination.

9. In view of the ruling of the S. C. in the case of Robert D'Souza V/s. Executive Engineering Southern Railway and another, reported in S. C. case 1982 page 124, the termination of services for any reason whatsoever in the definition of the expression "Retrenchment" in Section 2(00) of the Act covers any kind of termination of service except those not expressly included in Section 25F or not expressly provided for by other provisions of the Act, such as Section 25FF and Section 25FFF. Once the case does not fall in any of the excepted categories, the termination of services even if it be according to automatic discharge from service under agreement would nevertheless be retrenchment within the meaning of Section 2(00), so that if the name of the workman is struck off the rolls, that itself would constitute retrenchment. In the instant case, the workman's services were terminated for unauthorised absence and, therefore, it amounts to retrenchment as per the definition of Section 2(00) of the Act. However, the mandatory provision of Section 25F has not been complied with while retrenching the workman and hence the order of termination is invalid.

10. In the premises above, I pass the following Order:

ORDER

The Order of termination of services of the workman, being invalid, is hereby set aside. The employer is directed to reinstate the workman with continuity of service and full back wages, except during the period of her absence, which period will be adjusted as per the rules in force. Costs of Rs. 100/- to be paid to the workman.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN
AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/3/82

1. Shri Shridhar S. Naik Kundaikar — Workman/Party I
V/s.

1. M/s. Society of Transport — Employer/Party II
Workman/Party I represented by Adv. A. Nigalye

Panaji, Dated: 1-12-1982.

AWARD

This is a reference made by the Govt. of Goa, Daman and Diu by its Order No. 28/81-ILD dated 29th January, 1982. The Schedule annexed to it reads as follows:

"Whether the action of Management of M/s. Society of Transport Panjim-Margao, Panaji-Goa, in terminating the services of Shri Shridhar S. Naik Kundaikar, Conductor, by way of superannuation with effect from 7-2-1981 is legal and justified?

If not, what relief the workman is entitled to?"

2. Both the parties were duly served with notice. The workman/Party I filed his statement of claim, wherein he has stated as follows: He was appointed as a Clerk in the year 1963 by the Society/Party II at their Head Office at Panaji but no appointment letter was issued at that time or subsequently. Somewhere in 1968, the employer started recording the attendance of the employees on the musterroll, where the employees had to sign against their names. Accordingly, the workman used to sign the said muster roll but never noticed that, in another column, his designation was given as conductor. This was noticed by him only on 10-7-1972, when he received a Memo from the employer asking him to produce the conductor licence within 8 days, failing which he was warned that his services would be terminated. The workman replied to the said memo stating that he was employed as a Clerk and not as a conductor. After this, the employer did not insist on the production of the conductor's licence and the workman continued to work as before drawing also his wages and allowances as before. On 7-2-1982, he received a letter from the employer intimating him that he is superannuated w.e.f. that date, as he had attained 58 years. Thus, the services of the workman were terminated w.e.f. 7-2-1981. As such termination is illegal, the workman raised a dispute before the employer by his letter dated 12-2-1981, demanding reinstatement with full back wages and continuity of services and, as the employer did not accede to his request, the matter was put before the Labour Commissioner. During the conciliation proceedings, the workman produced his birth certificate, though it was unnecessary which clearly showed that he had not attained the age of 58 years on the date of termination of his services. The Conciliation Proceedings ended in failure and, hence, this reference. It is submitted that the termination of services of the workman is unjustified, illegal, null and void and there is no law or standing order providing that the age of superannuation in Industrial Establishments is 58 years. There is no contract of service or agreement between the parties regarding the age of superannuation. The workman also has not been paid retrenchment compensation, as required under Section 25F of the I.D.A., 1947, hereinafter briefly called the Act.

3. The employer, although served, did not file any written statement but, at the time of recording evidence of the workman, remained present through his representative Shri A. A. Jog, Labour Advisor and partly cross-examined the workman. On the next date fixed for continuation of the cross-examination, the employer and his representative failed to remain present and so the evidence of the workman was declared closed and date fixed for the evidence of the employer. On this date, the employer and his representative continued to remain absent and so the matter was argued by the workman's representative and now the case is before me for passing the Award.

4. In his statement before the Tribunal the workman has stated that he was working for the employer since 1963 as a Clerk, but somewhere in 1978 the employer directed him

to do all the work including that of peon, which he accepted. His services were terminated by notice dated 7-2-1981 (Exh. W-1). He wrote a letter to the employer demanding his reinstatement (Exh. W-2), which the employer did not reply and, on the same day, he approached the Labour Commissioner by his letter dated 12-2-1981 (Exh. W-3). The employer did not issue any appointment letter at the time of joining his services, nor subsequently. There was no agreement between the parties regarding the age of superannuation; there are no Standing Orders in the Establishment of the employer; the employer never told the workman that he would have to retire at the age of 58 years; there are workers still employed with the employer who have crossed the age of 58 years. They are Ganesh Bandekar, one Mohamed and others, whose names he does not know. There are 75 workers in the employment of the employer. In his cross, he has denied that the number of workers employed with the employer is much less than 75 and that, at present, there are 10 workers working for the employer. He has further denied that he has stated before the Labour Commissioner that he was working as Conductor and that he was not interested in his reinstatement but only in the payment of his dues. He has admitted that he was paid Rs. 2,934/- at the time of his termination of services, but he does not know whether the said amount included his gratuity. He has denied that he was paid his notice pay. He is not aware of any agreement arrived at before the Labour Commissioner about 5 years back fixing the age of superannuation in 58 years. This is all the evidence led by the workman.

5. Exh. W-1 produced by the workman shows that, by letter dated 7-2-1981, his services were terminated due to superannuation w.e.f. that date. Alongwith the letter, the workman was issued a cheque for Rs. 2,934/- towards one month's notice pay, which amount the workman has received. Regarding his other dues, he was advised to contact the office and collect the same.

6. Since the workman has challenged that there is no law or Standing Order fixing the age of superannuation for Industrial Workers in 58 years and further stated that the workman has not even attained such age at the time when his services were terminated, it was for the employer to prove the validity of the termination order issued by him, which proof he has failed to do. Indeed, the employer did not adduce any evidence to show that there are certified Standing Orders or Model Standing Orders in his Establishment prescribing the age of 58 years as superannuation and further that the workman had attained such age at the time of the impugned order. Neither the Industrial Disputes Act, 1947, nor the Shops and Establishment Act 1974 fix the age of superannuation and the Model Standing Orders, which apply in the absence of certified Standing Orders, are also silent in this respect. On the contrary, Section 32(3) of the Shops and Establishment Act would go to show that the age, by itself, would not be a bar for the continuation of the employee in his employment.

7. In view of the above, I pass the following order:

ORDER

The action of the Management M/s. Society Transport Panjim-Margao, Panaji-Goa, in terminating the services of Shri Shridhar S. Naik Kundaikar by way of superannuation w.e.f. 7-2-1981 is illegal and unjustified and, consequently, I order his reinstatement in service with continuity and full back wages. The employer to pay Rs. 100/- as costs to the employee.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.